

Appl. No. 10/687,897  
Docket No. CM2512C  
Amdt. dated July 30, 2008  
Reply to Office Action mailed on April 30, 2008  
Customer No. 27752

## REMARKS

### Claim Status

Claims 2, 5, 7, 8, 11, 12, 14, and 17-19 are pending in the present application. No additional claims fee is believed to be due.

Claim 2 is amended to state that the topsheet comprises the cooling agent. Support for the amendment can be found, for example, on page 23, lines 8-14.

Claims 1, 3, 4, 6, 9, 10, 13, 15, and 16 were previously withdrawn as a result of an earlier restriction requirement.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

### Rejection Under 35 U.S.C. § 103(a)

Claims 2, 5, 11, 12, 14, and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the five-way combination of Wang et al. (U.S. 4,713,068), Scapin et al., Alikhan (U.S. 5,370,764), and Elder et al. (U.S. 6,107,537) in view of Nitikunkasem et al. (U.S. 6,048,549). The Applicants submit that Claim 2, as amended, is allowable over the five-way combination of Wang et al., Scapin et al., Alikhan, and Elder et al. in view of Nitikunkasem et al. (U.S. 6,048,549).

Claim 2 is amended to state that the topsheet comprises the cooling agent. The Applicants submit that Claim 2 is allowable based upon two reasons. First, the Applicants submit that there is no motivation to combine the prior art cited to reach the subject matter of Claim 2. Wang et al. is to a breathable backsheet (see e.g. title of Wang et al.) and teaches that additives, such as a deodorant, can be incorporated into the PVOH film of the backsheet (see e.g. column 13, lines 14-26 and column 15, line 62). For absorbent articles, when worn, the backsheet is oriented away from the wearer's skin. Nitikhunkasem et al. teaches Frescolat ML in a powder to be topically applied to the skin (see e.g. column 1, lines 49-62 and column 2, line 53). One skilled in the art would not be motivated to combine a reference that teaches a backsheet that is oriented away from

the wearer's skin with a reference teaching a topical powder to be applied directly to the skin because by doing such, there would not be an opportunity for the powder to contact the skin so as to have the desired effect. The powder, or as in Claim 2 of the present application, the cooling agent, would be in a layer of material that is away from the wearer's skin and would not be able to convey a freshness sensation to the wearer of the article, as claimed. The cooling agent would be on the wrong side of the absorbent article to have the desired effect. Based on the above, the Applicants submit that there is no motivation to combine Wang et al. with Nitikhunkasem et al. to reach the subject matter of Claim 2.

Second, even if there is a motivation to combine Wang et al. with Nitikhunkasem et al., the prior art, as cited, when combined, does not disclose a topsheet comprising the cooling agent. The Office Action cites to Wang et al. for an absorbent article comprising a deodorant additive to an absorbent article. As discussed above, Wang et al. teaches additives, such as a deodorant, in the backsheet of an absorbent article. As cited, Wang et al. does not disclose additives in a topsheet, as claimed. Based on the above, the Applicants submit that the prior art, as cited, does not disclose each and every element of amended Claim 2 of the present application.

For the reasons set forth above, the Applicants submit that Claim 2 is allowable over Wang et al., Scapin et al., Alikhan, and Elder et al. in view of Nitikhunkasem et al. The Applicants respectfully request that Claim 2 be allowed.

Claims 5, 11, 12, 14, and 17-19 depend upon Claim 2. As discussed above, the Applicants submit that Claim 2 is allowable. Thus, the Applicants submit that Claims 5, 11, 12, 14, and 17-19 are also allowable and respectfully request that these claims be allowed.

#### Claims 7 and 8

Claims 7 and 8 were not rejected in the Office Action. The Applicants presume that Claims 7 and 8 are allowable.

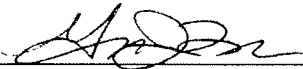
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Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, entry of the amendment presented herein, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By \_\_\_\_\_

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Date: July 30, 2008  
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